IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 36675 of 2004(N)

PETITIONER:

SEBASTIAN, S/O.FRANCIS, AGED 34 YEARS,
KARUKAPPARAMBIL HOUSE, PUNNAPRA P.O. ALAPUZHA.

BY ADV. SRI.MATHEW JAMES

RESPONDENTS:

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1. V.L.JOSEPH, S/O.LONAPPAN,
VALIYATHIL HOUSE, ALAPPUZHA WEST,
ALAPPZHA DISTRICT.

2. THE DISTRICT MANAGER, KERALA STATE
BACKWARD DEVELOPMENT CORPORATION BANK,
ALAPPUZHA.

3. THE TAHSILDAR, AMBALAPPUZHA,
ALAPPUZHA DISTRICT.

R2 BY ADV. SMT.P.DEEPTHI, SC,KS BACKWARD CLASS COR
R3 BY G.P. SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF DEMAND NOTICE DT.18.1.2002 ISSUED BY R3.

P2: TRUE COPY OF RECEIPT DT.20.3.2002 FOR PAYMENT OF RS.10,000/-.

P3: TRUE COPY OF RECEIPT DT.16.4.2002 FOR PAYMENT OF RS.1,050/-.

P4: TRUE COPY OF RECEIPT DT.18.5.2002 FOR PAYMENT OF RS.1,050/-.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.36675 of 2004

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Dated this the 3rd day of December, 2007.

JUDGMENT

Petitioner is the guarantor for the loan availed by the first respondent. It is reported that after filing the W.P., first respondent settled liability exclusive of penal interest. If liability is settled with full contract rate of interest, then there will be direction to respondents 2 and 3 to waive penal interest. The W.P. is closed leaving freedom to the petitioner to proceed against the first respondent in accordance with law for recovery of amount paid by the petitioner, if petitioner is entitled to the same.

C.N.RAMACHANDRAN NAIR
Judge

pms